

1-1 By: Lucio S.B. No. 1373
1-2 (In the Senate - Filed March 4, 2009; March 17, 2009, read
1-3 first time and referred to Committee on International Relations and
1-4 Trade; April 2, 2009, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; April 2, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the operation and continuation of the law authorizing
1-9 the issuance of oversize or overweight vehicle permits by certain
1-10 port authorities.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. (a) Subsection (b), Section 623.214,
1-13 Transportation Code, is amended to read as follows:

1-14 (b) Fees collected under Subsection (a), minus
1-15 administrative costs, shall be used solely to provide funds for the
1-16 maintenance and improvement of state highways subject to this
1-17 subchapter. The [payments provided for under Section 623.213 less]
1-18 administrative costs, which shall not exceed 15 percent of the fees
1-19 collected, may be retained by the port authority. The [Such] fees,
1-20 less administrative costs, shall be deposited in State Highway Fund
1-21 6.

1-22 (b) Sections 623.213 and 623.219, Transportation Code, are
1-23 repealed.

1-24 SECTION 2. Subchapter K, Chapter 623, Transportation Code,
1-25 is reenacted and amended to read as follows:

1-26 SUBCHAPTER K. PORT AUTHORITY PERMITS

1-27 Sec. 623.210. OPTIONAL PROCEDURE. This subchapter provides
1-28 an optional procedure for the issuance of a permit for the movement
1-29 of oversize or overweight vehicles carrying cargo on state highways
1-30 located in counties contiguous to the Gulf of Mexico or a bay or
1-31 inlet opening into the gulf and bordering the United Mexican
1-32 States.

1-33 Sec. 623.211. DEFINITION. In this subchapter, "port
1-34 authority" means a port authority created or operating under
1-35 Section 52, Article III, or Section 59, Article XVI, Texas
1-36 Constitution.

1-37 Sec. 623.212. PERMITS BY PORT AUTHORITY. The department
1-38 may authorize a port authority to issue permits for the movement of
1-39 oversize or overweight vehicles carrying cargo on state highways
1-40 located in counties contiguous to the Gulf of Mexico or a bay or
1-41 inlet opening into the gulf and bordering the United Mexican
1-42 States.

1-43 Sec. 623.213. ~~[MAINTENANCE CONTRACTS. A port authority~~
1-44 ~~issuing permits under this subchapter shall make payments to the~~
1-45 ~~department to provide funds for the maintenance of state highways~~
1-46 ~~subject to this subchapter.~~

1-47 ~~[Sec. 623.214.]~~ PERMIT FEES. (a) A port authority may
1-48 collect a fee for permits issued under this subchapter. Such fees
1-49 shall not exceed \$80 per trip.

1-50 (b) Fees collected under Subsection (a), minus
1-51 administrative costs, shall be used solely to provide funds for the
1-52 maintenance and improvement of state highways subject to this
1-53 subchapter. The [payments provided for under Section 623.213 less]
1-54 administrative costs, which shall not exceed 15 percent of the fees
1-55 collected, may be retained by the port authority. The [Such] fees,
1-56 less administrative costs, shall be deposited in State Highway Fund
1-57 6.

1-58 Sec. 623.214 ~~[623.215]~~. PERMIT REQUIREMENTS. (a) A
1-59 permit issued under this subchapter must include:

- 1-60 (1) the name of the applicant;
1-61 (2) the date of issuance;
1-62 (3) the signature of the director of the port
1-63 authority;
1-64 (4) a statement of the kind of cargo being transported

2-1 over State Highways 48 and 4 between the Gateway International
2-2 Bridge and the entrance to the Port of Brownsville, or over State
2-3 Highways 48 and 4 and United States Highways 77 and 83 between
2-4 Veterans International Bridge at Los Tomates and the entrance to
2-5 the Port of Brownsville, the maximum weight and dimensions of the
2-6 equipment, and the kind and weight of each commodity to be
2-7 transported provided the gross weight of such equipment and
2-8 commodities shall not exceed 125,000 pounds;

2-9 (5) a statement of any condition on which the permit is
2-10 issued;

2-11 (6) a statement that the cargo shall be transported
2-12 over the most direct route from the Gateway International Bridge or
2-13 the Veterans International Bridge at Los Tomates to the entrance of
2-14 the Port of Brownsville using State Highways 48 and 4 or United
2-15 States Highways 77 and 83;

2-16 (7) the name of the driver of the vehicle in which the
2-17 cargo is to be transported; and

2-18 (8) the location where the cargo was loaded.

2-19 (b) A port authority shall report to the department all
2-20 permits issued under this subchapter.

2-21 Sec. 623.215 [~~623.216~~]. TIME OF MOVEMENT. A permit issued
2-22 under this subchapter shall specify the time in which movement
2-23 authorized by the permit is allowed.

2-24 Sec. 623.216 [~~623.217~~]. SPEED LIMIT. Movement authorized
2-25 by a permit issued under this subchapter shall not exceed the posted
2-26 speed limit or 55 miles per hour, whichever is less. Violation of
2-27 this provision shall constitute a moving violation.

2-28 Sec. 623.217 [~~623.218~~]. ENFORCEMENT. The Department of
2-29 Public Safety shall have authority to enforce the provisions of
2-30 this subchapter.

2-31 [~~Sec. 623.219. EXPIRATION. This subchapter expires June 1,~~
2-32 ~~2009.~~]

2-33 SECTION 3. (a) Section 1 of this Act takes effect only if
2-34 this Act takes effect on or before June 1, 2009.

2-35 (b) Section 2 of this Act takes effect only if this Act takes
2-36 effect on or after June 2, 2009.

2-37 SECTION 4. This Act takes effect immediately if it receives
2-38 a vote of two-thirds of all the members elected to each house, as
2-39 provided by Section 39, Article III, Texas Constitution. If this
2-40 Act does not receive the vote necessary for immediate effect, this
2-41 Act takes effect September 1, 2009.

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